

REMARKS

Applicants acknowledge receipt of the Office Action dated March 12, 2010. In this response, Applicants have amended claim 9; claim 11 has been canceled without prejudice or disclaimer; and, claims 17 and 18 have been added. Following entry of these amendments, claims 9, 10, and 12-18 are pending in the application. It is respectfully submitted that new claims 17 and 18 do not add new matter.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Rejections Under 35 U.S.C. § 112

On page 2 of the Office Action, the PTO has rejected claims 9-11 and 14-16 under 35 U.S.C. § 112, second paragraph, for several reasons. Applicants submit that the present amendments to claim 9 will overcome these several reasons applicable to claim 9. Claim 11 has been cancelled, so the rejections applicable to claim 11 are submitted to be moot.

Rejections Under 35 U.S.C. § 102

Claims 9-11 and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated for two separate reasons: (a) by U.S. Publication 2002/0192522 to Wada et al. (hereinafter “Wada”); and, (b) by U.S. Publication 2002/0192532 to Inagaki et al. (hereinafter “Inagaki”). Applicants respectfully submit that these rejections have been overcome by the amendments to claim 9 and the reasoning below.

Specifically, the fuel cell stack in claim 9 requires a flow in the cathode gas passage and a flow in the anode gas passage in parallel and also in opposite directions to each other. Further, a through-hole is provided in a most downstream bent portion in at least one of the anode gas passage and the cathode gas passage so as to allow movement of moisture through the fuel cells. An object of the present invention, i.e., uniformizing the water distribution in the fuel cell to thereby achieve an improvement in terms of flooding prevention performance, is accordingly accomplished by this unique configuration of the fuel cell stack.

Applicants strongly assert that neither Wada nor Inagaki discloses such a configuration of the fuel cell stack. Applicants hope that the amendments to claim 9 make this distinction clear.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: June 7, 2010

By

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